

Notice of Allowability

Application No.

09/342,824

Examiner

Eleni Mantis Mercader

Applicant(s)

WILK, PETER J.

Art Unit

3768

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to communication of 9/21/2007.
2. ☒ The allowed claim(s) is/are 1-15 and 17-28.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material

5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 9-21-07
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


ELENI MANTIS MERCADER
SUPERVISORY PATENT EXAMINER

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
2. Authorization for this examiner's amendment was given in a telephone interview with Mr. Neil Sudol on 09/21/2007.
3. The application has been amended as follows:
 1. (currently amended) A method for treating cancer, comprising:
detecting a tumor in a patient; and
applying mechanical pressure waves to said tumor at a mechanical resonance frequency of the entire tumor as a unitary body, to effectively destroy said tumor,
the applying of said mechanical pressure waves to said tumor including disposing at least one transducer in the patient and energizing said transducer to generate said mechanical pressure waves.
 2. (currently amended) ~~The method defined in claim 1, further comprising A~~
method for treating cancer, comprising:
detecting a tumor in a patient;

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applying mechanical pressure waves to said tumor at a mechanical resonance frequency of the entire tumor as a unitary body, to effectively destroy said tumor; and

determining said mechanical resonance frequency, the determining of said mechanical resonance frequency including:

generating a series of investigatory pressure waves of respective different preselected frequencies in a patient so that said investigatory pressure waves are transmitted to said tumor through overlying tissues;

during the generating of said investigatory pressure waves in the patient, monitoring responsive oscillatory motion of said tumor and at least some internal tissues of the patient proximate to the tumor, said responsive oscillatory motion arising as a result of the transmission of said investigatory pressure waves into the patient; and

determining said mechanical resonance frequency from the responsive oscillatory motion of said tumor and said internal tissues, said mechanical resonance frequency being a pressure wave frequency which results in a resonant loading of said tumor and essentially leaves said internal tissues undamaged.

15. (currently amended) The method defined in claim [[1]] 2 wherein the applying of said [[said]] mechanical pressure waves to said tumor includes transmitting said mechanical pressure wave through overlying tissues of the patient.

16. (canceled)

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4. Any inquiry concerning this communication should be directed to Eleni Mantis Mercader at telephone number 571 272 4740.


ELENI MANTIS MERCADER
SUPERVISORY PATENT EXAMINER